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EXAMINER

DANIEL JR, WILLIE J

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/849,715	Applicant(s) KIRBAS ET AL.	
	Examiner WILLIE J. DANIEL JR	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-43,45,46,48 and 55-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-43,45,46,48 and 55-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 01 October 2008. **Claims 41-43, 45-46, 48, and 55-58** are now pending in the present application and **claims 1-40, 44, 47, and 49-54** are canceled. This office action is made **Final**.

Claim Objections

2. **Claim 46** is objected to because of the following informalities:
 - a. Claim 46 recites the limitation "...access **the** list..." in line(s) 20 of the claim. The Examiner interprets as -- access **a** list-- and suggests replacing said limitation to have proper **antecedent** and help clarify the claim language.

Appropriate correction is required.

3. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-43, 45-46, 48, and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** in view of **Irvin (US 6,556,819 B2)**.

Regarding **claim 41**, Schmidt discloses a method for restricting communication in a mobile station (12, 28) which reads on the claimed “wireless communication device” (see abstract; Figs. 1, 2, 4, and 5), comprising the steps of:

receiving a phone number into the wireless communication device (28) in an attempt to make a phone call (see col. 7, lines 42-44; col. 5, lines 50-54; Fig. 5 ‘ref. 82’), where the mobile station is able to dial phone numbers to originate a call;

determining a geographic characteristic (e.g., phone number) of the received phone number (see col. 6, lines 15-16; col. 7, lines 46-59, 27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station includes a processor (54) and is able to determine the location and to check as to whether the station is roaming;

receiving a current GPS location (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming,

utilizing the current location (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

accessing a list stored in memory (58) of the wireless communication device (28), the list comprising authorized (e.g., home system) and unauthorized (e.g., prohibited) geographic characteristics (e.g., phone number) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

processing said geographic characteristic (e.g., phone number) of the received phone number, said list, and said current physical location (74, 76, 78, 80) of the wireless communication device (28) to determine if placing a call to said received number would accrue a charge (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82'), where the memory stores phone numbers in a phone book and where the phone numbers and the associated information are considered acceptable and independent of location as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see col. 7, lines 9-11; col. 1, lines 48-53); and

permitting placement of a phone call to the received phone number only if placing a call to said received number would not accrue a charge (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location in which the would not accrue a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11;

col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize. Schmidt does not specifically disclose having the feature(s) receiving a current GPS location from a GPS functional device contained within the wireless communication device; utilizing the current GPS location. However, the examiner maintains that the feature(s) receiving a current GPS location from a GPS functional device contained within the wireless communication device; utilizing the current GPS location was well known in the art, as taught by Irvin.

In the same field of endeavor, Irvin discloses the feature(s) receiving a current GPS location from the GPS functional device (160) contained within the mobile communication terminal (100) which reads on the claimed “wireless communication device” (see col. 4, lines 29-39; Fig. 4 ‘ref. 440’), where the GPS receiver (160) is able to determine the physical location of the terminal (100);

utilizing the current GPS location (see col. 4, lines 29-39; Fig. 4 ‘ref. 440’), where the GPS receiver (160) is able to determine the physical location of the terminal (100). As a note, Irvin at the least further discloses the feature(s) receiving (i.e., dialing) a phone number (i.e., digit) into the wireless communications device (100) in an attempt to make a phone call (see col. 3, lines 23-27, 37-42; col. 4, lines 22-28), where the user dials numbers (e.g., input numbers or digit string) using the keypad (108) of the mobile communication terminal (100) which is a typical process when making a phone call using a telephone (e.g., cellular phone); and accessing a list stored in memory (170) of the wireless communication device (100), the list comprising authorized (e.g., safe zone) and unauthorized geographic characteristics (see col. 6, lines 1-18,33-37; Fig. 4 ‘ref. 460 & Fig. 4 ref. 470’), where the control unit compares

the terminal (100) to the safe zones. In addition, the user enters a command (e.g., SEND) to attempt (e.g., call origination) to connect with a calling party based on the dialed numbers (see col. 4, lines 22-28, 48-51), where the phone is determined to be in a safe zone in which the placing of a call would be inherent for the dialing of a number (see col. 6, lines 3-39; col. 3, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Irvin to have the feature(s) receiving a current GPS location from a GPS functional device contained within the wireless communication device; utilizing the current GPS location, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 42**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, wherein at least one geographic characteristic is an area code, and at least a portion of the received phone number is an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code.

Regarding **claim 43**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, wherein the received phone number is received from a user interface (e.g., call initiator 36) of the wireless communication device (28) (see col. 5, lines 51-54,60-62; col. 6,

lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device.

Regarding **claim 45**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, further comprising:

blocking placement of a phone call to the received phone number if the geographic characteristic of the received phone number matches at least one of the plurality of unauthorized geographic characteristics and the current physical location of the wireless communication device (28) matches a predetermined location (see col. 7, lines 38-40; col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 2-4, 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location stored in memory (58).

Regarding **claim 46**, Schmidt discloses a wireless communication device (see col. 6, lines 4-16; Fig. 2), comprising:

a memory (58) for storing a list comprising authorized (e.g., home system) and unauthorized (e.g., prohibited) geographic characteristics (e.g., phone number) (see col. 6, lines 27-34,46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84') and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a

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‘ref. 124 & 128’) and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 ‘ref. 86 and 90’, 6a ‘ref. 108 and 112’);

a user interface (e.g., call initiator 36) for inputting an outgoing number in an attempt to make a phone call from the wireless communication device (28) (see col. 5, lines 50-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 ‘ref. 82’), where the user of the mobile station (28) dials the phone number of another communication device,

the outgoing number having an outgoing area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 ‘ref. 82’), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code;

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a processor (54) which reads on the claimed “controller” connected to the memory (58), the user interface (36) (see col. 6, lines 4-16,27-28; Fig. 2), where the mobile station has a transceiver (30),

the controller (54) configured to (see col. 6, lines 15-16; Fig. 2)

determine a geographic characteristic (e.g., phone number) of the inputted outgoing number (see col. 6, lines 15-16,27-45), where the memory (58) stores phone numbers in a phone book as evidenced by the fact that one of ordinary skill in the art would clearly

recognize (see col. 1, lines 48-53). The phone numbers and the associated information are considered acceptable and independent of location (see col. 7, lines 9-11) and where the mobile station includes a processor (54) and is able to determine the location and to check as to whether the station is roaming(see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'),.

receive the current physical location (e.g., geographic area 74, 76, 78, 80) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station has a memory (58) and is able to determine the location and to check as to whether the station is roaming and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84'),

access the list comprising authorized (e.g., home system) and unauthorized (e.g., prohibited) geographic characteristics (e.g., phone number) stored in memory (58) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

process the geographic characteristic (e.g., phone number) of the received phone number, the current physical location (74, 76, 78, 80) and the list comprising authorized (e.g., home system) and unauthorized (e.g., prohibited) geographic characteristics (e.g., phone number)

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to determine if placing a call to said received number would accrue a charge (see col. 6, lines 15-16, 27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82'), where the memory stores phone numbers in a phone book and where the phone numbers and the associated information are considered acceptable and independent of location as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see col. 7, lines 9-11; col. 1, lines 48-53);

wherein the controller is further configured to permit placement of a phone call to the inputted outgoing number only if placing a call to said inputted outgoing number would not accrue a charge (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location in which the would not accrue a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize. Schmidt does not specifically disclose having the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a controller connected to the GPS device, the controller configured to receive the current physical location from the GPS device. However, the examiner maintains that the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a controller connected to the GPS device, the controller configured to receive the current physical location from the GPS device was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) a global positioning system (GPS) device (160) for determining a current physical location of the wireless communication device (100) (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GPS receiver (160) is able to determine the physical location of the terminal (100);

a control unit (102) which reads on the claimed "controller" connected to the GPS device (160) (see Fig. 2),

the controller (102) configured to receive the current physical location from the GPS device (160) (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GPS receiver (160) is able to determine the physical location of the terminal (100). As additional support, Irvin at the least further discloses having the feature(s) a memory (170) for storing a list comprising authorized (e.g., safe zone) and unauthorized geographic characteristics (see col. 6, lines 1-18,33-37; Fig. 4 'ref. 460 & Fig. 4 ref. 470'), where the control unit compares the terminal (100) to the safe zones; a controller (102) connected to the memory (150, 170), the user interface (108) (see Fig. 2), where the terminal has a transmitter 120 and receiver 140);

In addition, the control unit compares the terminal (100) to the safe zones (see col. 6, lines 1-18,33-37; Fig. 4 "ref. 460") and the user enters a command (e.g., SEND) to attempt (e.g., call origination) to connect with a calling party based on the dialed numbers (see col. 4, lines 22-28, 48-51), where the phone is determined to be in a safe zone in which the placing of a call would be inherent for the dialing of a number (see col. 6, lines 3-39; col. 3, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Irvin to have the feature(s)

a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a controller connected to the GPS device, the controller configured to receive the current physical location from the GPS device, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 48**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 46), in addition Schmidt further discloses the wireless communication device of claim 46, wherein at least one of a plurality of unauthorized area code is stored in the memory (58) (see col. 5, lines 51-54; col. 7, lines 38-40; Figs. 2-4); and

wherein the controller (54) blocks the outgoing call if the at least one of the plurality of unauthorized area code matches the area code of the inputted outgoing number and the current physical location of the wireless communication device matches a predetermined physical location (see col. 8, lines 6-10; col. 9, lines 14-18, 45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location stored in memory (58) in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54).

Regarding **claim 55**, Schmidt discloses every limitation claimed as applied above in claim 46. Schmidt does not specifically disclose having the feature(s) wherein the current GPS location is an absolute GPS position. However, the examiner maintains that the feature(s) wherein the current GPS location is an absolute GPS position was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) wherein the current GPS location is an absolute GPS position (e.g., geocoordinates) (see col. 6, lines 3-39; col. 4, lines 29-39), where the GPS receiver (160) is able to determine the physical location of the terminal (100).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Irvin to have the feature(s) wherein the current GPS location is an absolute GPS position, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 56**, Schmidt discloses every limitation claimed as applied above in claim 46. Schmidt does not specifically disclose having the feature(s) wherein the current GPS location is a relative GPS position. However, the examiner maintains that the feature(s) wherein the current GPS location is an absolute GPS position was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) wherein the current GPS location is a relative GPS position (see col. 6, lines 3-39; col. 4, lines 29-39), where the GPS receiver (160) is able to determine the physical location of the terminal (100) relative to safe zones.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Irvin to have the feature(s) wherein the current GPS location is an relative GPS position, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

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Claims 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** in view of **Irvin (US 6,556,819 B2)** as applied to claim 41 above, and further in view of Admitted prior art (**MPEP 2144.03**).

Regarding **claim 57**, the combination of Schmidt and Irvin discloses every limitation claimed as applied above in claim 41. The combination of Schmidt and Irvin does not specifically disclose having the feature local toll charges. However, the examiner takes official notice of the fact that it was well known in the art to have the feature local toll charges.

As a note, one of ordinary skill in the art would clearly recognize that the feature local toll charges are common knowledge. For example, a mobile station can originate/receive a call and may incur roaming charges (e.g., local toll charges) when not within the home area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schmidt and Irvin by specifically having the feature local toll charges, for the purpose of having local toll charges in memory to restrict calls and/or billing usage (see Schmidt - col. 1, lines 13-36, 41-48).

Regarding **claim 58**, the combination of Schmidt and Irvin discloses every limitation claimed as applied above in claim 41. The combination of Schmidt and Irvin does not specifically disclose having the feature long distance charges. However, the examiner takes official notice of the fact that it was well known in the art to have the feature long distance charges.

As a note, one of ordinary skill in the art would clearly recognize that the feature long distance charges are common knowledge. For example, a mobile station can originate/receive a call and may incur roaming charges (e.g., long distance charges) when not within the home area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schmidt and Irvin by specifically having the feature long distance charges, for the purpose of having long distance charges in memory to restrict calls and/or billing usage (see Schmidt - col. 1, lines 13-36, 41-48).

Claims 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** in view of **Agness et al.** (hereinafter Agness) (**US 6,799,052 B1**).

Regarding **claim 41**, Schmidt discloses a method for restricting communication in a mobile station (12, 28) which reads on the claimed “wireless communication device” (see abstract; Figs. 1, 2, 4, and 5), comprising the steps of:

receiving a phone number into the wireless communication device (28) in an attempt to make a phone call (see col. 7, lines 42-44; col. 5, lines 50-54; Fig. 5 ‘ref. 82’), where the mobile station is able to dial phone numbers to originate a call;

determining a geographic characteristic (e.g., phone number) of the received phone number (see col. 6, lines 15-16; col. 7, lines 46-59, 27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station includes a processor (54) and is able to determine the location and to check as to whether the station is roaming;

receiving a current GPS location (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming,

utilizing the current location (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

accessing a list stored in memory (58) of the wireless communication device (28), the list comprising authorized (e.g., home system) and unauthorized (e.g., prohibited) geographic characteristics (e.g., phone number) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

processing said geographic characteristic (e.g., phone number) of the received phone number, said list, and said current physical location (74, 76, 78, 80) of the wireless communication device (28) to determine if placing a call to said received number would

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accrue a charge (see col. 6, lines 15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82'), where the memory stores phone numbers in a phone book and where the phone numbers and the associated information are considered acceptable and independent of location as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see col. 7, lines 9-11; col. 1, lines 48-53); and

permitting placement of a phone call to the received phone number only if placing a call to said received number would not accrue a charge (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location in which the would not accrue a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize. Schmidt does not specifically disclose having the feature(s) receiving a current global positioning system (GPS) location from a GPS functional device contained within the wireless communication device; utilizing the current GPS location. Schmidt does not specifically disclose having the feature(s) receiving a current global positioning system (GPS) location from a GPS functional device contained within the wireless communication device; utilizing the current GPS location. However, the examiner maintains that the feature(s) receiving a current global positioning system (GPS) location from a GPS functional device contained within the wireless communication device; utilizing the current GPS location was well known in the art, as taught by Agness.

In the same field of endeavor, Agness discloses the feature(s) receiving a current global positioning system (GPS) location from a GPS functional device (45) contained within

the mobile communication terminal (cell phone 13) which reads on the claimed “wireless communication device”; utilizing the current GPS location (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Agness to have the feature(s) receiving a current global positioning system (GPS) location from a GPS functional device contained within the wireless communication device; utilizing the current GPS location, in order to provide a transmission inhibit for digital hand-held cell phones when at specified highway location and specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

Regarding **claim 46**, Schmidt discloses a wireless communication device (see col. 6, lines 4-16; Fig. 2), comprising:

a memory (58) for storing a list comprising authorized (e.g., home system) and unauthorized (e.g., prohibited) geographic characteristics (e.g., phone number) (see col. 6, lines 27-34,46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 ‘ref. 84’) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 ‘ref. 92’ and 6a ‘ref. 124 & 128’) and where incoming or outgoing calls are permitted based on phone

number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

a user interface (e.g., call initiator 36) for inputting an outgoing number in an attempt to make a phone call from the wireless communication device (28) (see col. 5, lines 50-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device,

the outgoing number having an outgoing area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code;

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a processor (54) which reads on the claimed "controller" connected to the memory (58), the user interface (36) (see col. 6, lines 4-16,27-28; Fig. 2), where the mobile station has a transceiver (30),

the controller (54) configured to (see col. 6, lines 15-16; Fig. 2)

determine a geographic characteristic (e.g., phone number) of the inputted outgoing number (see col. 6, lines 15-16,27-45), where the memory (58) stores phone numbers in a phone book as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see col. 1, lines 48-53). The phone numbers and the associated information are

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considered acceptable and independent of location (see col. 7, lines 9-11) and where the mobile station includes a processor (54) and is able to determine the location and to check as to whether the station is roaming(see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84')..

receive the current physical location (e.g., geographic area 74, 76, 78, 80) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station has a memory (58) and is able to determine the location and to check as to whether the station is roaming and where the determinator (40) provides location information to the processor (54) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84'),

access the list comprising authorized (e.g., home system) and unauthorized (e.g., prohibited) geographic characteristics (e.g., phone number) stored in memory (58) (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; col. 1, lines 48-53; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54) and where incoming or outgoing calls are prohibited when roaming based on phone number and location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124 & 128') and where incoming or outgoing calls are permitted based on phone number and location (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112');

process the geographic characteristic (e.g., phone number) of the received phone number, the current physical location (74, 76, 78, 80) and the list comprising authorized (e.g., home system) and unauthorized (e.g., prohibited) geographic characteristics (e.g., phone number) to determine if placing a call to said received number would accrue a charge (see col. 6, lines

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15-16,27-45; col. 7, lines 42-44; col. 5, lines 50-54; Figs. 2, 3, and 5 'ref. 82'), where the memory stores phone numbers in a phone book and where the phone numbers and the associated information are considered acceptable and independent of location as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see col. 7, lines 9-11; col. 1, lines 48-53);

wherein the controller is further configured to permit placement of a phone call to the inputted outgoing number only if placing a call to said inputted outgoing number would not accrue a charge (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location in which the would not accrue a charge would be implicit to allow an incoming/outgoing call (see col. 7, lines 9-11; col. 1, lines 48-53) as evidenced by the fact that one of ordinary skill in the art would clearly recognize. Schmidt does not specifically disclose having the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a controller connected to the GPS, the controller configured to receive the current physical location from the GPS device. However, the examiner maintains that the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a controller connected to the GPS device, the controller configured to receive the current physical location from the GPS device was well known in the art, as taught by Agness.

Agness further discloses the feature(s) a global positioning system (GPS) device (45) for determining a current physical location of the wireless communication device (13)

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(see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13);

a microprocessor (43) which reads on the claimed “controller” connected to the GPS device (45) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2);

the controller (43) configured to receive the current physical location from the GPS device (45) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Agness to have the feature(s) a controller connected to the GPS device, the controller configured to receive the current physical location from the GPS device, in order to provide a transmission inhibit for digital hand-held cell phones when at specified highway location and specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

Response to Arguments

5. Applicant's arguments with respect to claims 41-43, 45-46, 48, and 55-58 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

6. Regarding claims 57-58, the applicant did not traverse the Examiner's assertion of official notice stated in the action mailed 08 July 2008 and 05 March 2008. As a result, the Examiner's statement is hereby taken to be well-known admitted prior art or common knowledge because the applicant failed to traverse the Examiner's assertion of official notice. Therefore, the applicant must agree with the Examiner's assertion of official notice.
7. The Examiner requests applicant to provide support (e.g., page(s), line(s), and drawing(s) as well as comments) for the amended claim language and any further amended claim language.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

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period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD, Jr/

04 January 2009

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617